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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,680	08/13/2001	Masanori Iwasaki	S01p1177us00	8175

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EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,680

Applicant(s)

IWASAKI, MASANORI

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa.

In regard to claims 1 and 16, Ishikawa discloses an optical linkage device (fig. 2) for securing a first part (13, 14) and a second part 11, the first part (13, 14) including a first threaded portion (outer threads on portion 13 contacting inner threads on 11), wherein the first part and the second part may be comprised of a lens member 13 or a body 10 housing imaging elements (binocular lenses), (the claim states that the first part or second part **may** be comprised of a body housing imaging elements, including either a CCD sensor or a CMOS sensor, which means that the CCD or CMOS sensor is not being positively recited. Therefore the prior art may or may not disclose a CCD or CMOS sensor and still anticipate the claim) the optical linkage device comprising:

a plurality of positioning recesses (1a, b) that are formed around a circumference of one part such that a plurality of the recesses are located in a one-fourth portion of the circumference; and

at least one positioning protrusions 2a that are formed in the other part, the positioning protrusion 2a being selectively engageable with the recess members 1a, 1b when threading the first part onto the second part, and further comprising a means for

Art Unit: 3679

securing the first part and the second part in a permanent fixed relationship (the exterior threads on the bottom of 13 permanently secure 13 to the interior threads on the bottom of 11). Ishikawa does not disclose that the recesses are on the first part or that the protrusions are on the second part. Ishikawa discloses the reverse. However, it would have been obvious to reverse the recesses and protrusions so that the recesses were on the first part, and the protrusions were on the second part because the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Additionally, Ishikawa discloses that the protrusions 2a are rounded, but the recesses 1 are triangular. However, it would have been obvious to make the recesses rounded instead of triangular because a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966); and

Wherein the threaded portion of the second part 11 passes through a plane (the threads on 11 pass through a plane defined the cross section surface shown in fig. 1 (the surface of the page), that plane also intersects the protrusions 2a and recess 1a) in which the positioning protrusion 2a engages the recess members 1a during assembly.

In regard to claim 2, the first threaded portion (threads on 13) is an external thread, and the second part is further comprised of two or more positioning protrusions (2a, 20a).

In regard to claim 3, the second threaded portion (threads on 11) is an internal thread.

In regard to claim 4, the first part 13 is a lens barrel.

Art Unit: 3679

In regard to claim 5, the second part 11 is a holder for holding the lens barrel, and further wherein an image pickup device 10 is mounted to the holder 11.

In regard to claim 6, by selecting a location of engagement for the recess and the protrusion, a desired focal location between the image pickup device and the lens is achieved (see column 1, lines 22-28).

In regard to claim 7, an imaging forming device focus adjustment pitch is determined at least in part by an engagement pitch between the recess and the protrusion elements.

In regard to claim 8, Ishikawa discloses an optical linkage structure for securing a first part 13, 14 and a second part 11, the first part including a first threaded portion (external threads on 13) and the second part 11 including a second threaded portion (internal threads on 11) screwable to the first threaded portion, wherein the first part and the second part may be comprised of a lens member of a body housing imaging elements (the claim states that the first part or second part **may** be comprised of a body housing imaging elements, including either a CCD sensor or a CMOS sensor, which means that the CCD or CMOS sensor is not being positively recited. Therefore the prior art may or may not disclose a CCD or CMOS sensor and still anticipate the claim), the optical linkage structure comprising:

At least one positioning recess 1a, 1b that is formed in one part; and

A plurality of positioning protrusions 2a, 20a that are formed around a circumference of the other part such that a plurality of the protrusions are located in one-fourth portion of the circumference, the positioning protrusions being selectively engageable with the recess, and further comprising a means for securing the first part and the second part in a permanent fixed relationship (the exterior threads on the bottom of 13

Art Unit: 3679

permanently secure 13 to the interior threads on the bottom of 11). Ishikawa does not disclose that the recesses are on the first part or that the protrusions are on the second part. Ishikawa discloses the reverse. However, it would have been obvious to reverse the recesses and protrusions so that the recesses were on the first part, and the protrusions were on the second part because the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Additionally, Ishikawa discloses that the protrusions 2a are rounded, but the recesses 1 are triangular. However, it would have been obvious to make the recesses rounded instead of triangular because a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

In regard to claim 9, the first threaded portion (portion on 13) is an external thread.

In regard to claim 10, the threaded portion of the second part (threads on 11) is an internal thread.

Allowable Subject Matter

3. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 6/7/04 have been fully considered but they are not persuasive. Applicant argues that Ishikawa does not anticipate the present invention

Art Unit: 3679

because two elements 13 and 14 are being described to the applicant's first part.

However, there is no recitation in the Applicant's claim requiring that the first part of the invention be one integral unitary piece.

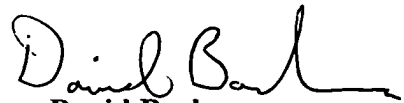
The argument that the prior art of record does not disclose or suggest making a fixed permanent connection between the first and second part has been addressed in the prior art rejection above. More specifically, the exterior threads on the bottom of 13 permanently secure 13 to the interior threads on the bottom of 11.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
Primary Examiner
Art Unit 3679
August 17, 2004